

October 18, 2012

The Common Council met as the Water Utility Board at 7:00 pm on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloit; Chief Dixon; Comm. Maynard; Rich DeMarco – Johnson Controls, Inc.; Ken Rudibaugh; ACO James; Nancy Sexton; Ann Fischer; David Butler – Moore & Associates, Inc.; Ron Weinzapfel; Mindy Bourne – Area Plan Commission; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting, Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and those of the Executive Session and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Curtis moved the reading of the minutes be waived and both sets of minutes be approved as presented. Seconded by Board member Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated Mr. DeMarco, project manager, is present with a status update for the Board.

Mr. DeMarco stated he will update the Board on three main areas: the electrical building, the coffer dam, and the deep well.

Electrical Building

Foundation, walls and floor have been poured

Building is 45% erected

Power feed conduit from source to building is 100%

Electrical components, including switchgear is due on site November 2

Coffer Dam Status

All sheet pilings are in place

Deep well outer wall shored up is 100%

Existing tunnel and old piping removal is ongoing

Removal of old river piping/installation of new piping scheduled for next month

Deep Well Status

Old pipes and pumps removal is 100%
Floor gravel and rebar installation 100%
Pour floor this Friday

Mr. DeMarco then asked if there were any questions ?
There were none.

Supt. Gray stated he has pictures of the progress on Facebook – Mount Vernon Water.
Supt. Givens arrived at the meeting.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?
Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker asked if there were any Legals for consideration ?
Attorney Higgins stated she has none.

Mayor Tucker asked if anyone in the Audience wished to address the Utility Board ?
Ron Weinzapfel approached and stated he would like to request a water adjustment. He added he had the line in question put in with his brothers and the problem he has had is excessive pressure, and over time it has weakened the line. He stated he is located in the Farmersville area. In June he had a leak, it was fixed and he received an adjustment. He thought the problem was solved, then he received a bill for \$150.00, for just him and his wife. Mrs. Morrow at the water office said that it appeared the leak hadn't been fixed and he then received a bill for \$240.00. He stated he did pay the \$150.00 bill, and since this would be his second adjustment, he was told he needed to come to the Board. He added he has found the leak and he is fully confident that it is stopped – it was a totally different leak.

Board member Curtis stated they will average the bills out and also he may want to wait for the a billing cycle to be sure it is fixed, as they can not do another adjustment.

Mr. Weinzapfel replied that is what he thought and he is sure the leak is stopped. Mrs. Morrow indicated that their consumption was way down and if hadn't been for her suggestion, he may have never found this second leak.

Supt Gray agreed his usage is in the normal range now.

Board member Curtis moved the adjustment be allowed for the three month period in question.

Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mr. Weinzapfel thanked the Board and left meeting.

Mayor Tucker asked if there was any Old Business ?
There was none.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn. Board member Curtis moved the meeting be adjourned. Seconded by Board member Shelton. Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

October 18, 2012

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Shelton, Fuelling, Hoehn, Curtis, and Higgins attending. Others attending were Attorney Higgins; Supt. Gray; Chief Beloat; Chief Dixon; Comm. Maynard; Rich DeMarco – Johnson Controls, Inc.; Ken Rudibaugh; ACO James; Nancy Sexton; Ann Fischer; David Butler – Moore & Associates, Inc.; Mindy Bourne – Area Plan Commission; Pam Robinson – Posey County News; Sara Manifold – Mount Vernon Democrat; and Supt. Givens.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Curtis moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilwoman Shelton.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Fuelling stated he has no report.

Comm. Maynard stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Shelton stated she has no report.

Chief Beloat stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairwoman Higgins stated she has no report.

Chief Dixon stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Sewer Chairman Hoehn stated he has no report.

Supt. Givens stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they are now ready for the Legal portion of the Agenda.

Attorney Higgins stated the first item is the third reading of the Ordinance Updating, Restating, and Recodifying Title IX – General Regulations, Chapter 91 – Animals. She added zoning has a similar definition and that ordinance would supersede the city animal control ordinance on the number of animals – three domestic animals per household. The city ordinance listed four, and as the zoning ordinance is more restrictive, it replaces the city ordinance. She added therefore, there is no need for that section of the city ordinance. She then stated this ordinance is up for third reading and Council can choose to pass with amendments, or choose to do nothing.

Mayor Tucker stated he believes there are some folks here tonight interested in this ordinance and suggested they entertain a motion on the ordinance in order to open it up for discussion.

Attorney Higgins agreed.

Councilman Hoehn moved Council table the ordinance indefinitely and form a committee to review the ordinance and ascertain why they are duplicating ordinances. Seconded by Councilwoman Higgins.

Mayor Tucker asked if there was any discussion ?

Councilman Hoehn stated he has received several calls on this and he even Googled the subject to find out the average number of pups born into a litter – between five and eight. He added that would now be outside the ordinance – a quirky nuance to the ordinance. He stated Councilwoman Higgins may like to serve on the committee as well as other concerned people in the community, Dr. Appel, and possibly someone from a local veterinary office.

Councilwoman Shelton stated she has also received several calls on this.

Ken Rudibaugh approached and stated he is a dog lover, and this Council can not tell him what he can and can not have in his house. His dogs are not causing problems, they have had all of their shots, and he takes care of them. This is ludicrous. He added he pays his own bills and his own taxes, the Council doesn't. The number of animals in a household doesn't matter – one animal can be as bad as five if it is a bad animal. He then stated he is a responsible pet owner and it seems to him that Council should take care of the problem, if there is one, and not come after all of the pet owners in town. Or, he suggested, the Council grandfather in existing pet owners. He stated the clause on the number of pets didn't used to be in the old zoning ordinance before this was brought up and if they agree to grandfather people in, he would like that in writing. He stated he has cared for his dogs since they were pups, they are his babies and he feels this is an invasion of his privacy. Councilwoman Higgins stated the Humane Society is worried they will be overrun with animals as people try to get into compliance with the ordinance. But it sounds like it may be out of the Council's hands.

Attorney Higgins stated they can refer this back to the Area Plan Commission and they would then have hearings again, etc. They would then act on it and would come back here before this Council in ordinance form.

Councilman Fuelling asked if the committee would work with the zoning board ?

Attorney Higgins stated if the number of animals is what they want to adjust, that would need to go to the Area Plan by recommendation from the City Council.

Councilman Hoehn stated he believes they have a motion on Chapter 91 to deal with first – it is up on motion to table indefinitely.

Councilman Curtis stated a committee should look into it, as the number of animals is what got peoples' attention. He suggested that once that committee is formed they should look over the whole thing – what do they then do with the animals, etc. He believes it is right to table this for now, as from the City's perspective nothing has changed.

Attorney Higgins stated the existing Chapter 91 is still in effect. She added the number fallout is the issue anyway because in Chapter 91 it is less restrictive than the zoning ordinance.

Councilwoman Higgins asked if Mrs. Bourne has had any calls on this on her end ?

Mrs. Bourne replied she received a lot of calls before the consolidation. She added Councilman Curtis was on that Board and this was discussed a lot. Lots and lots of discussion. The current zoning ordinance was the result of that discussion. She added she has heard nothing since the adoption.

Councilman Curtis the calls that he received were complaints about animals in general.

Mrs. Bourne replied yes, not the number of animals, but the kind of animals, mainly horses. She added they spent a lot of time on it.

Councilman Curtis stated they need to look over the whole thing and then make recommendations – it will be a process.

Mrs. Bourne stated they can amend the Mt. Vernon portion of that section.

Mr. Rudibaugh stated grandfathering is the key.

Mayor Tucker requested a roll call vote on the original motion to table the ordinance indefinitely and form a committee.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Attorney Higgins stated they will now need a report from the committee before action on this ordinance will continue.

Attorney Higgins stated the next item also involves Mrs. Bourne and the Area Plan Commission. It is an Ordinance to Amend the City of Mt. Vernon Code of Ordinances, Title 15 – Land Usage, Chapter 153 – Zoning Code, The Zoning Ordinance of the City of Mt. Vernon, the Town of Cynthiana, Town of Poseyville and Unincorporated Posey County, SECTION 153.105(A)(8) Use Unit 20-Commercial and Recreation: Intensive and Appendix A: Use Unit 20-Commercial Recreation : Intensive.

Mrs. Bourne stated, to summarize, the ordinance addresses zoning districts B-3/CH, M-s, and Appendix A in relation to Use nit 20. She added currently it is classified as use by right, and after review it was misrepresented. Use Unit 20 should be recognized as a special use, not a use by right.

Councilman Curtis stated in other words, folks requesting Use Unit 20 would have to go before the Board to ask for the special use.

Mrs. Bourne replied that is correct. She added it was recommended for approval by the Area Plan Commission at their meeting on October 11, 2012 and she will then take the ordinance to all of the jurisdictions for action. The County has already heard it.

Councilman Curtis moved the ordinance pass on first reading. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Shelton – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Tucker asked if there was any Old Business ?

Councilman Hoehn questioned the status of the sewer line on the bridge east of town.

Councilman Curtis replied the Board of Works at their meeting today voted to proceed only after confirmation from the County Council that they are going to move forward as well on the construction of a bridge. Once they have that confirmation the Board will accept the quote from the contractor and the city will move forward. He added he will be contacting the County.

Councilman Hoehn stated he thought the city had to do it either way.

Councilman Curtis replied the line works fine, if there is not going to be a bridge, why move the line ?

Councilman Hoehn replied OK ? He then stated in reference to the Greg Russell, Venice Avenue area – that latest rain event was just another headache for that area. The residents of the area want a permanent solution. He suggested a 30” line running to Mill Creek to resolve the problem once and for all. He stated adequate drainage is required and the water garden works as it was designed but that particular rain event was too much. This type of flooding will happen again and he would like to see permanent corrective action taken. That is what he sees coming and he would like to see the Council, as a group, agree on that.

Councilman Fuelling deferred to Mayor Tucker.

Mayor Tucker stated he met with Comm. Maynard and Mr. Lochmueller at the location they looked over the area. The berm has not been changed yet, but BLA’s engineers are once again looking over the design. He added the line that Councilman Hoehn suggests would take care of the problem, yes. Has the rain garden helped ? Yes. But a three to four inch rain like they had recently will cause it flood. He then stated they will also have to come up with the money for that line, but they are looking into the situation. He further stated the city insurance company has an investigator and an engineer working on it. He stated an 18”, 30” line, whatever would certainly help.

Councilman Hoehn stated he is not an engineer, but something needs to be done. Yes, the rain garden is working to the extent that it can, and he doesn’t care who is to blame, permanent corrective action needs to happen. He added he knows money is tight but it needs fixed.

Councilman Curtis stated BLA is looking at it and they have some ideas. The insurance company has an engineer looking at it as well, that is a start.

Councilman Hoehn stated he believes BLA will be looking at what they engineered, not the big picture – there is a bigger picture here. He added they need to run a line to Mill Creek.

Attorney Higgins stated this really needs to be referred to the Board of Works.

Mayor Tucker stated they didn’t cut the third berm down but they extended the one out farther and Comm. Maynard’s department did some culvert work in the area, with Supt. Givens’ crew also doing some manhole work.

Councilman Curtis stated he agrees with Councilman Hoehn on what BLA will be specifically looking at – the rain garden – they designed it. Flooding in this area has been a problem for a long, long time.

Councilman Hoehn asked if the bike path will be going through there ?

Mayor Tucker replied Safe Routes to School will be with a sidewalk down Venice to Wolflin, south of the Russell empty lot, over the tracks, east on 8th Street.

Councilman Hoehn stated they would have to tear out one to do the other.

Comm. Maynard stated in reference to a 36" line they would have to get an easement first for the trailer park, as Russell's do not own it anymore. The Street Department may be able to do the work themselves, but if they have to go too deep, they may have to contract it out. But again, they would first need an easement. The fall on Wolflin is not good and best way would be to go across the trailer park, but it could be a deep dig.

Councilman Hoehn agreed it would not be a shallow dig.

Mayor Tucker asked if there was any other Old Business ?

Councilman Hoehn stated he, Mayor Tucker, Chief Beloit and Chief Dixon met with Jim Swinney and Chris Cash from the Co-Op concerning the tanks. They say very few are 100% full. They did say that the tanks are unlocked and sitting there out in the open. They said they were going to be talking with a gentleman from Haubstadt and they would be getting back with the Mayor.

Mayor Tucker stated, back to the possible storm sewer project, that would be referred to the Board of Works. He then asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilwoman Shelton stated she has no report.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at Large Higgins stated Christmas on Main Street is in 42 days. This will be the 3rd year and it will be bigger and better with a longer parade route. They will also be using the Park and Rec facilities at Hedges but they will need help with barricades, etc. Yet another city event.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilwoman Higgins moved the meeting be adjourned. Seconded by Councilman Hoehn.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker
Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer